

## ***The Honorable Marsha J. Pechman***

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

YOLANY PADILLA, IBIS GUZMAN, BLANCA  
ORANTES, BALTAZAR VASQUEZ,  
Plaintiffs-Petitioners,

No. 2:18-cv-928 MJP

V.

U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT (“ICE”); U.S. DEPARTMENT OF HOMELAND SECURITY (“DHS”); U.S. CUSTOMS AND BORDER PROTECTION (“CBP”); U.S. CITIZENSHIP AND IMMIGRATION SERVICES (“USCIS”); EXECUTIVE OFFICE FOR IMMIGRATION REVIEW (“EOIR”); THOMAS HOMAN, Acting Director of ICE; KIRSTJEN NIELSEN, Secretary of DHS; KEVIN K. McALEENAN, Acting Commissioner of CBP; L. FRANCIS CISSNA, Director of USCIS; MARC J. MOORE, Seattle Field Office Director, ICE, WILLIAM P. BARR, United States Attorney General; **LOWELL CLARK**, warden of the Northwest Detention Center in Tacoma, Washington; CHARLES INGRAM, warden of the Federal Detention Center in SeaTac, Washington; DAVID SHINN, warden of the Federal Correctional Institute in Victorville, California; JAMES JANECKA, warden of the Adelanto Detention Facility;

## Defendants-Respondents.

**JOINT STIPULATION  
AND ORDER GRANTING  
LEAVE TO PLAINTIFFS  
TO FILE A THIRD  
AMENDED COMPLAINT,  
EXTENDING THE TIME  
FOR IMPLEMENTING  
THE PRELIMINARY  
INJUNCTION ISSUED BY  
THIS COURT, STAYING  
DISCOVERY, AND  
SETTING A BRIEFING  
SCHEDULE FOR  
FORTHCOMING  
MOTIONS**

**NOTE ON MOTION  
CALENDAR: MAY 13, 2019.**

Pursuant to Local Civil Rules 7(d)(1) and 10(g), Plaintiffs and Defendants hereby stipulate and jointly move the Court for an Order setting forth the following:

1. Plaintiffs' Motion for Leave to Amend the Complaint (Dkt. 116) is granted.
2. Enforcement of the preliminary injunction entered on April 5 (Dkt. 110) ("Order") is further stayed until July 1, 2019, while the Court adjudicates Defendants' currently-

JOINT STIPULATION AND  
ORDER- 1  
CASE NO. 2:18-cv-928 MJP

1 pending motion to vacate the Order (Dkt. 114) and Plaintiffs' forthcoming cross-  
2 motion to modify the Order.

3 3. Defendants' deadline to file a Notice of Appeal with respect to the Order is extended  
4 from June 4, 2019 to July 5, 2019, to allow the Court to adjudicate Defendants'  
5 currently-pending motion to vacate the Order (Dkt. 114) and Plaintiffs' forthcoming  
6 cross-motion to modify the Order. *See* Federal Rule of Appellate Procedure 4(a)(5)(C)  
7 ("The district court may extend the time to file a notice of appeal [by] 30 days after the  
8 prescribed time.").

9 4. Discovery is stayed pending consideration of the parties' forthcoming motions.

10 5. Defendants will continue to schedule bond hearings pursuant to *Matter of X-K-* until  
11 the date *Matter of M-S-* is scheduled to go into effect.<sup>1</sup>

12 6. The following briefing schedule governs Plaintiffs' forthcoming cross-motion to  
13 modify the Order and Defendants' motion to dismiss Plaintiffs' Third Amended  
14 Complaint:  
15 a. Plaintiffs file their cross-motion to modify the Order on or before May 28, 2019.  
16 b. Defendants file their opposition to Plaintiffs' cross-motion to modify the Order on  
17 or before June 10, 2019.  
18 c. Plaintiffs file their reply in support of their cross-motion to modify the Order on or  
19 before June 14, 2019.  
20 d. Defendants file their motion to dismiss the Third Amended Complaint on or before  
21 June 3, 2019.  
22 e. Plaintiffs file their opposition to Defendants' motion to dismiss the Third Amended  
23 Complaint on or before June 17, 2019.

24  
25  
26 <sup>1</sup> The "effective date" of *Matter of M-S-* is "90 days" from April 16—July 15, 2019. Dkt. 114-1 at 12 n.8.

1 f. Defendants file their reply in support of their motion to dismiss the Third Amended  
2 Complaint on or before June 21, 2019.

3 Given the complex issues that the parties anticipate briefing, the parties also stipulate to a  
4 page limit of 24 pages for both parties' motions and oppositions, and 12 pages for both parties'  
5 replies.

6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

JOINT STIPULATION AND  
ORDER- 3

CASE No. 2:18-cv-928 MJP

1  
2 RESPECTFULLY SUBMITTED this May 13, 2019.  
3

4 s/ Matt Adams

5 Matt Adams, WSBA No. 28287  
6 Email: matt@nwirp.org

7 Glenda M. Aldana Madrid, WSBA No. 46987  
8 Email: glenda@nwirp.org

9 Leila Kang, WSBA No. 48048  
10 Email: leila@nwirp.org

11 NORTHWEST IMMIGRANT  
12 RIGHTS PROJECT

13 615 Second Avenue, Suite 400  
14 Seattle, WA 98104  
15 Telephone: (206) 957-8611  
16 Facsimile: (206) 587-4025  
17 *Attorneys for Plaintiffs-Petitioners*

18 JOSEPH. H. HUNT  
19 Assistant Attorney General  
20 Civil Division

21 WILLIAM C. PEACHEY  
22 Director, District Court Section  
23 Office of Immigration Litigation

24 EREZ REUVENI  
25 Assistant Director, District Court Section

26 Kristin Macleod-Ball\*  
Trina Realmuto\*

AMERICAN IMMIGRATION COUNCIL  
100 Summer Street, 23rd Floor  
Boston, MA 02110  
(857) 305-3600  
trealmuto@immccouncil.org  
kmacleod-ball@immccouncil.org

\*Admitted *pro hac vice*

*Attorneys for Plaintiffs-Petitioners*

/s/ Archith Ramkumar  
ARCHITH RAMKUMAR  
N.Y.B. # 5269949  
Trial Attorney, District Court Section  
Office of Immigration Litigation  
Civil Division  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
(202) 598-8060; (202) 305-7000 (fax)  
archith.ramkumar@usdoj.gov

*Attorneys for Defendants-Respondents*

JOINT STIPULATION AND  
ORDER

CASE No. 2:18-cv-928 MJP

## ORDER

Based on the foregoing stipulation of the parties, IT IS SO ORDERED that:

1. Plaintiffs' Motion for Leave to Amend the Complaint (Dkt. 116) is granted.
2. Enforcement of the preliminary injunction entered on April 5 (Dkt. 110) is further stayed until July 1, 2019.
3. Defendants' deadline to file a Notice of Appeal with respect to the Order granting Plaintiffs' motion for a preliminary injunction is extended from June 4, 2019 to July 5, 2019.
4. Discovery is stayed pending consideration of the parties' forthcoming motions.
5. Defendants will continue to schedule bond hearings pursuant to *Matter of X-K* until the date *Matter of M-S* is scheduled to go into effect.
6. The following briefing schedule governs Plaintiffs' forthcoming cross-motion to modify the Order granting Plaintiffs' motion for a preliminary injunction and Defendants' motion to dismiss Plaintiffs' Third Amended Complaint:
  - a. Plaintiffs file their cross-motion to modify the Order granting Plaintiffs' motion for a preliminary injunction on or before May 28, 2019.
  - b. Defendants file their opposition to Plaintiffs' cross-motion to modify the Order granting Plaintiffs' motion for a preliminary injunction on or before June 10, 2019.
  - c. Plaintiffs file their reply in support of their cross-motion to modify the Order granting Plaintiffs' motion preliminary injunction on or before June 14, 2019.
  - d. Defendants file their motion to dismiss the Third Amended Complaint on or before June 3, 2019.
  - e. Plaintiffs file their opposition to Defendants' motion to dismiss the Third Amended Complaint on or before June 17, 2019.

## JOINT STIPULATION AND ORDER

CASE NO. 2:18-cv-928 MJP

1 f. Defendants file their reply in support of their motion to dismiss the Third  
2 Amended Complaint on or before June 21, 2019.

3 DATED this 20th day of May, 2019.  
4

5   
6

7 Marsha J. Pechman  
8 United States Senior District Judge  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26

JOINT STIPULATION AND  
ORDER

CASE No. 2:18-cv-928 MJP

**CERTIFICATE OF SERVICE**

I hereby certify that on May 20, 2019, I had the foregoing electronically filed with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to those attorneys of record registered on the CM/ECF system. All other parties (if any) shall be served in accordance with the Federal Rules of Civil Procedure.

/s/ Archith Ramkumar  
ARCHITH RAMKUMAR  
N.Y.B. # 5269949  
Trial Attorney, District Court Section  
Office of Immigration Litigation  
Civil Division  
P.O. Box 868, Ben Franklin Station  
Washington, DC 20044  
(202) 598-8060; (202) 305-7000 (fax)  
archith.ramkumar@usdoj.gov

Attorney for Defendants

## JOINT STIPULATION AND ORDER

CASE NO. 2:18-cv-928 MJP